

Message Text

SECRET

PAGE 01 SEOUL 10443 01 OF 02 121134Z

ACTION NODS-00

INFO OCT-01 ISO-00 /001 W

-----016971 121136Z /21

O 121028Z DEC 77

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC NIACT IMMEDIATE 8111

S E C R E T SECTION 1 OF 2 SEOUL 10443

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PGOV KS US

SUBJ: TONGSUN PARK AFFAIR: DECEMBER 12 MEETING BETWEEN AMBASSADOR
AND FOREIGN MINISTER

SUMMARY: AMBASSADOR AND FOREIGN MINISTER HELD TWO-HOUR
MEETING AFTERNOON DECEMBER 12 MAINLY TO DISCUSS DETAILS JOINT
STATEMENT. CONSIDERABLE PROGRESS ACHIEVED. MAIN PROBLEM
REMAINING PARA. 4. F. END SUMMARY.

1. I HELD TWO-HOUR MEETING WITH FOREIGN MINISTER AFTERNOON
DECEMBER 12 TO THRASH ONCE MORE THROUGH WORDING OF JOINT
STATEMENT. FONMIN MADE VERY STRONG REPRESENTATION FOR
REINCLUSION OF QUOTE ONLY UNQUOTE LIMITATION ON PARK
TESTIMONY. I REVIEWED AT LENGTH AND SEVERAL TIMES THE
REASON WHY WE WERE UNABLE TO ACCEDE TO THIS REQUEST.
AS A RESULT OF OUR DISCUSSION, HE HAS AGREED, VERY
RELUCTANTLY, TO DROP ROK REQUEST FOR THIS LIMITATION.

2. MAJOR CONCERN OF FONMIN CONTINUES TO BE ASSURANCES
ON PARK'S RETURN TO KOREA FOLLOWING TESTIMONY
IN THE UNITED STATES. HE REFERRED SEVERAL TIMES TO THE
NEED FOR SOME ASSURANCE IF HE WERE TO CONVINCE HIS
COLLEAGUES, AND HERE HE ALMOST LITERALLY LOOKED IN
THE DIRECTION OF THE BLUE HOUSE, TO AGREE TO THE JOINT
SECRET

SECRET

PAGE 02 SEOUL 10443 01 OF 02 121134Z

STATEMENT. I AGAIN EXPLAINED OUR INABILITY TO MAKE
STATEMENTS THAT WOULD PRECLUDE DUE PROCESS OF LAW
UNDER THE US JUDICIAL SYSTEM. DISCUSSION ON THIS
POINT CARRIED ON FOR A GOOD FORTY-FIVE MINUTES. IN
THE END THE FONMIN PROPOSED THE FOLLOWING WORDING
BE SUBSTITUTED FOR THE PRESENT PARA 4. F.: QUOTE

4. F. UNDER THE AGREEMENT OF COOPERATION BETWEEN THE TWO GOVERNMENTS, MR. TONGSUN PARK WOULD BE ADMITTED TO THE UNITED STATES ONLY FOR LIMITED PERIODS RELATED SPECIFICALLY TO HIS ANTICIPATED COURT APPEARANCES. MR. TONGSUN PARK WOULD BE ASSURED BY THE UNITED STATES GOVERNMENT OF HIS PROMPT RETURN TO THE REPUBLIC OF KOREA FOLLOWING HIS TESTIMONY AT EACH SUCH TRIAL. END QUOTE.

I DISCUSSED THIS WORDING WITH THE FONMIN AND HE AGREED IT WAS VAGUE ENOUGH TO COVER OUR PROBLEMS WHICH HE FULLY UNDERSTOOD. HE INDICATED HOWEVER THAT HE NEEDED THIS MUCH OF A FIG LEAF TO CONVINCE HIS COLLEAGUES.

3. I HOPE THAT WE SHOULD BE ABLE TO ACCEDE TO THIS WORDING SINCE WE, IN EFFECT, ARE GIVING OUR ASSURANCES TO PARK AND THEREFORE NOT PRECLUDING THE POSSIBILITY OF HIS REQUESTING TO STAY IN THE UNITED STATES. THE FONMIN IS AWARE THAT THIS WORDING DOES NOT, IN FACT, PROVIDE THE ASSURANCE THAT HE REALLY DESIRES BUT BELIEVES IT IS SUFFICIENT TO ACHIEVE AGREEMENT ON THE JOINT STATEMENT. I STRONGLY URGE THAT IF AT ALL POSSIBLE WE ACCEPT THIS COMPROMISE.

4. THE ADDITIONAL CHANGES WHICH THE FONMIN REQUESTED ARE, I BELIEVE, MINOR AND SHOULD CAUSE LITTLE DIFFICULTY. I WILL LIST THEM IN ORDER WITH PARAGRAPHS REFERRED TO IN OUR DRAFT OF
SECRET

SECRET

PAGE 03 SEOUL 10443 01 OF 02 121134Z

THE JOINT STATEMENT.

PARA 2: FONMIN REQUESTED THAT INSERTION OF "FULL" BETWEEN "OFFER OF" AND "IMMUNITY" IN THE SECOND SENTENCE. HE NOTED THIS WAS IN ACCORDANCE WITH OTHER PORTIONS OF THE JOINT STATEMENT AND WITH PRESIDENT CARTER'S STATEMENT TO THE CONGRESS.

PARA 3 B: FONMIN REQUESTED DELETION OF "WILL BE PRIVATE AND" IN THE SECOND SENTENCE. HE NOTED THAT THE REMAINDER OF THE SENTENCE SAID THE SAME THING AND THAT TRANSLATION OF "PRIVATE" INTO KOREAN IMPLIED SECRECY. I AGREED TO THIS AD REFERENDUM TO WASHINGTON.

PARA 3 C: FONMIN REQUESTED DELETION "UNLIMITED" IN THIS PARAGRAPH. AGAIN HE NOTED DIFFICULTY OF TRANSLATION AND THE FACT THAT THE REMAINDER OF THE SENTENCE IN EFFECT SAID THE SAME THING. I AGREED AD REFERENDUM.

PARA 3 D: THE FONMIN SAID THAT REFERENCE DIRECTLY TO AMERICAN LAW IN A KOREAN PROCEEDING CAUSED GREAT DIFFICULTY, AND COULD BE INTERPRETED AS VIOLATION KOREAN SOVEREIGNTY. HE AGREED THAT THE OATH COULD BE ADMINISTERED BY A CONSULAR

OFFICIAL AND SUGGESTED THAT THE FIRST PORTION THIS SENTENCE BE ALTERED TO READ "OATHS WILL BE ADMINISTERED IN ACCORDANCE WITH KOREAN LAW AND INTERNATIONAL PRACTICES." WE AGREED THAT THIS TERM WOULD INCLUDE ADMINISTRATION OF AN OATH BY US CONSULAR OFFICIAL. SINCE THIS COVERS OUR CONCERN REGARDING AN OATH ACCEPTABLE IN US COURT, I WOULD HOPE WE COULD ACCEPT THIS CHANGE.

PARA 3 E: FONMIN NOTED OUR CONCERN OVER CONFUSION BETWEEN JOINT STATEMENT AND MPAA BY USE OF WORD AGREEMENT. HE THEREFORE REQUESTED FINAL SENTENCE OF THIS PARAGRAPH BE CHANGED TO READ "PROVISIONS OF THE AGREEMENT WILL BE CONSISTENT WITH THIS JOINT STATEMENT." THIS SEEMS REASONABLE.

PARA 4 HEADING: FONMIN NOTED THAT PART FOUR COVERED
SECRET

SECRET

PAGE 04 SEOUL 10443 01 OF 02 121134Z

BOTH ARRANGEMENTS AND ASSURANCES AND THEREFORE REQUESTED THAT FOLLOWING "ARRANGEMENT" IN THE HEADING THE WORDS "AND ASSURANCES" BE INCLUDED. AGAIN THIS SEEMS TO BE RATHER MINOR AND FACTUAL.

SECRET

NNN

SECRET

PAGE 01 SEOUL 10443 02 OF 02 121140Z
ACTION NODS-00

INFO OCT-01 ISO-00 /001 W
-----016998 121142Z /20
O 121028Z DEC 77
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC NIACT IMMEDIATE 8112

S E C R E T SECTION 2 OF 2 SEOUL 10443

EXDIS DISTRIBUTE AS NODIS

PARA 5 B: FONMIN REQUESTED THAT IN THE CENTER OF THE PARAGRAPH FOLLOWING "FROM THE UNITED STATES" THE WORDS "AND THE REPUBLIC OF KOREA," BE INCLUDED. HE NOTED THIS WAS IN FACT IMPLIED IN THE US WORDING AND HE SAW NO REASON NOT TO MAKE IT EXPLICIT. HE ALSO STRONGLY URGED THE DELETION OF THE FINAL PORTION OF THIS SENTENCE BEGINNING QUOTE AND WILL TAKE NO OTHER STEPS... END QUOTE. HE SAID THAT TO TAKE ANY SUCH ACTION

WOULD BE VERY HARMFUL TO KOREA AND THE WHOLE PURPOSE OF THE JOINT STATEMENT WAS TO SET PARK TO THE U.S. HE SAID THAT TO INCLUDE THIS LANGUAGE WOULD MAKE IT SEEM AS IF THE U.S. HAD NO TRUST IN KOREA OR ITS GOVERNMENT AND COULD BE MOST DAMAGING. I AGREED TO AGAIN REQUEST DELETION.

5. FINALLY, THE FONMIN SUGGESTED THAT WE SHOULD INCLUDE THE NORMAL STATEMENT OF INTENT TO FACILITATE THE RELATIONSHIP BETWEEN OUR TWO COUNTRIES AT THE END OF THE JOINT STATEMENT. QUOTE: IN MAKING PUBLIC THE JOINT STATEMENT, THE TWO GOVERNMENTS REAFFIRM THEIR LONG-STANDING SPIRIT OF FRIENDLY COOPERATION AND EXPRESS THEIR SINCERE HOPE THAT THE JOINT STATEMENT WOULD CONTRIBUTE TO THE EARLY SETTLEMENT OF THE PENDING PROBLEM BETWEEN THE TWO GOVERNMENTS CONCERNING THE CASE OF MR. TONGSUN PARK. END QUOTE. IF THIS SUGGESTION WERE ACCEPTED, HE SUGGESTED THAT THE INITIAL PARAGRAPH IN THE JOINT STATEMENT (NOW PARA 1) BE UNNUMBERED, AND THE REMAINING FOUR PORTIONS BE RENUMBERED ACCORDINGLY. GIVEN THE HEAVY PRESSURES EXERTED BY BOTH SIDES
SECRET

SECRET

PAGE 02 SEOUL 10443 02 OF 02 121140Z

IN THIS MATTER, I AGREE WITH THE FONMIN THAT A STATEMENT OF THIS NATURE WOULD BE A MOST USEFUL INCLUSION TO THE JOINT STATEMENT.

6. THE FONMIN HAD READ THE JAWORSKI STATEMENT AND I TOOK THE OCCASION OF HIS MENTIONING IT TO OUTLINE FOR HIM THE SCENARIO WHICH WOULD PROBABLY BE INVOLVED IN OBTAINING CONGRESSIONAL AGREEMENT TO ACCEPT TESTIMONY FROM TONGSUN PARK OBTAINED IN KOREA. I NOTED THAT ADDITIONAL ASSERTIONS OF CONGRESSIONAL RIGHTS IN THIS MATTER WOULD UNDOUBTEDLY BE MADE UNTIL TESTIMONY WAS ACTUALLY AVAILABLE. I ALSO POINTED OUT DAMAGES OF PREMATURE PRESS BRIEFINGS. I URGED HIM TO MAINTAIN A CALM AND REASONED RESPONSE TO SUCH STATEMENT AND TO RELY ON OUR ASSURANCES OF AN ULTIMATE SOLUTION TO THIS PROBLEM. HE TOOK THE POINT AND AGREED THAT IT WAS A VERY COMPLEX PROCEDURE AND UNDERTOOK HIS BEST EFFORTS IN RESPECT TO MY URGING.

7. COMMENT: WE HAVE COME A VERY LONG WAY TOWARD SOLUTION. FONMIN ALSO GAVE ME RENEWED ASSURANCES ON TONGSUN PARK LETTER BEING AVAILABLE AT TIME OF JOINT STATEMENT ANNOUNCEMENT. THE KOREAN SIDE HAS MOVED DRAMATICALLY THROUGHOUT THIS NEGOTIATION, MOST RECENTLY WHEN THE FONMIN AGREED TO DROP HIS REQUIREMENT FOR LIMITATION IN THE JOINT STATEMENT ON THE QUESTIONING OF TONGSUN PARK BEYOND THAT ALREADY CONTAINED. THE KEY NOW TO SOLUTION IS PARAGRAPH 4 F AND I GREATLY HOPE WE WILL BE ABLE TO ACCEPT THE PROPOSED COMPROMISE WORDING. I ALSO FIND MOSTT OF THE OTHER SUGGESTIONS MADE BY THE FONMIN TO BE ESSENTIALLY NON-SUBSTANTIVE IN NATURE AND TRUST WE CAN ACCEDE TO MANY IF NOT ALL OF THEM.
SNEIDER

SECRET

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, BRIBERY, MEETINGS, AMBASSADORS, FOREIGN MINISTERS MEETINGS, CAT-B, US CONGRESSIONAL HEARINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 12-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977SEOUL10443
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: P850067-1450, N770009-0092
Format: TEL
From: SEOUL
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771266/aaaacdoy.tel
Line Count: 224
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 5f833806-c288-dd11-92da-001cc4696bcc
Office: ACTION NODS
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: NODIS
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: NODIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 270072
Secure: OPEN
Status: NATIVE
Subject: TONGSUN PARK AFFAIR: DECEMBER 12 MEETING BETWEEN AMBASSADOR AND FOREIGN MINISTER
TAGS: PGOV, PINT, KS, US, (TONGSUN PARK)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/5f833806-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009